

REMARKS/ARGUMENTS

Claims 1-5, 8, 9, 12, and 13 are pending. Claims 6, 7, 10, 11, and 14-16 are canceled.
Claims 17-20 are added.

Amendments to the Claims

Claims 1-3 have been rewritten to include stereo-isomers and pharmaceutically acceptable salts. Dependent claims 4, 12, and 13 are amended to be directed specifically to pharmaceutically acceptable salts. These amendment are supported by the specification, *inter alia*, at paragraph [0009] of the published application U.S. 2006/0281692 and as well as originally filed claims 4, 12, and 13.

Claim 8 has been amended to recite the step of administering the extract to an animal. This amendment is supported by the specification, *inter alia*, at paragraphs [0037]-[0038] and the Examples.

New claim 17 recites that the extract is prepared from rhizomes. This amendment is supported by the specification, *inter alia*, at paragraph [0054].

New claims 18-19 are directed to administering the extract to a human, e.g., a human with Alzheimer's disease. These amendments are supported by the specification, *inter alia*, at paragraphs [0007] and [0037].

New claim 20 recites an additional step of administering at least one of scopolamine, cycloheximide, and amyloid-beta peptides. This amendment is supported by the specification, *inter alia*, at Examples 1, 2, and 3.

Rejection of claims 8 and 9 under 35 U.S.C. § 112, second paragraph and § 101

Claims 8 and 9 stand rejected under 35 U.S.C. §112, second paragraph as purportedly indefinite, and also stand rejected under 35 U.S.C. §101 for purportedly failing to set forth patentable subject matter.

Like our previous amendment to claim 1 reciting an administration step, claim 8 has now also been amended to recite the step of administering the extract to an animal. Because this

amendment clearly sets forth the process encompassed by the claimed method, it is respectfully asserted that the rejections under 35 U.S.C. §112 and §101 have now been overcome.

Rejection of claims 1-5, 12, and 13 under 35 U.S.C. § 112, first paragraph

Claims 1-5, 12, and 13 stand rejected under 35 U.S.C. § 112, first paragraph as purportedly not sufficiently described in the specification to demonstrate possession of the claimed invention.

Independent claim 1 has been amended to recite a method for improving memory performance in an animal. The method for improving memory performance by administering the extract and/or compounds is fully described by the specification. For example, the administration step is described, *inter alia*, at paragraphs [0037]-[0038]. The improvement in memory performance is not only described in the specification (see, e.g., paragraphs [0028]-[0032]), but also definitively demonstrated by Examples 1-5. In particular, based on the scientific studies conducted and presented in the application, the Applicants conclude:

- “The result indicates that the extract and the compounds of the present invention can ameliorate impairment of passive avoidance induced by cycloheximide, and **increase learning and memory performance** of mice.” [0031] (emphasis added).
- “The result indicates that the extract of the invention can **enhance the capacity of learning and memory** in normal mice.” [0032] (emphasis added).

Thus, the Applicants were clearly in possession of the claimed method for improving memory performance by administering the extract and/or compounds to an animal. Because the application more than adequately describes and enables the claimed method, independent claim 1 (and claims 2-5, 12, and 13 which depend therefrom) satisfy the requirement of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejections based on Prior Art

Claims 6, 7, 10, 11, and 14-16 were rejected under 35 U.S.C. §103(a) as being obvious in view of prior art. Because these claims have been canceled, the rejection is now moot.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

Respectfully submitted,

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